

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEANO D. WILLIAMS

Plaintiff,

Civil Action No. 11-CV-13298

vs.

HON. BERNARD A. FRIEDMAN

LEWIS A. "LOU" FERRIN,

Defendant.

_____ /

**OPINION AND ORDER GRANTING PLAINTIFF'S APPLICATION TO
PROCEED IN FORMA PAUPERIS AND DISMISSING THE COMPLAINT**

This matter is presently before the court on plaintiff's application to proceed in forma pauperis. For the following reasons, the court shall (1) grant the application and therefore allow the complaint to be filed without prepayment of the filing fee, and (2) dismiss the complaint because the court lacks subject matter jurisdiction.

Pursuant to 28 U.S.C. § 1915(a)(1), the court may permit a person to commence a lawsuit without prepaying the filing fee, provided the person submits an affidavit demonstrating that he "is unable to pay such fees or give security therefor." In the present case, plaintiff's application to proceed in forma pauperis makes the required showing of indigence. The court shall therefore grant the application and permit the complaint to be filed without requiring plaintiff to prepay the filing fee.

Pro se complaints are held to "less stringent standards" than those drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Nonetheless, the court is required to dismiss a complaint, whether or not plaintiff is representing himself and whether or not he has been granted

in forma pauperis status, “[i]f the court determines at any time that it lacks subject matter jurisdiction” Fed. R. Civ. P. 12(h)(3).

In the present case, the complaint alleges that defendant sent plaintiff threatening and racially derogatory text messages. As the complaint raises no federal question and both parties are citizens of the State of Michigan, subject matter jurisdiction is lacking. Accordingly,

IT IS ORDERED that plaintiff’s application for leave to proceed in forma pauperis is granted. The complaint is filed and the filing fee need not be prepayed.

IT IS FURTHER ORDERED that the complaint is dismissed pursuant to Fed. R. Civ. P. 12(h)(3) for lack of subject matter jurisdiction.

Dated: August 3, 2011

s/ Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was sent to

Deano Williams
28044 Fortson Lane
Inkster, MI 48141

and counsel of record.

s/Michael Williams
Relief Case Manager
313/234-5172